

APPEAL, JURYDEMAND, STAYED

**U.S. District Court**  
**United States District Court for the Western District of Washington (Seattle)**  
**CIVIL DOCKET FOR CASE #: 2:08-cv-01731-RSL**  
**Internal Use Only**

Armer v. OpenMarket Inc et al  
Assigned to: Judge Robert S. Lasnik  
Case in other court: King County Superior Court,  
08-00002-32201-7SEA  
Cause: 28:1332 Diversity

Date Filed: 12/01/2008  
Jury Demand: Defendant  
Nature of Suit: 190 Contract: Other  
Jurisdiction: Diversity

**Plaintiff**

**Wilma Armer**  
*individually and on behalf of all others*  
*similarly situated*

represented by **Clifford A Cantor**  
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**ATTORNEY TO BE NOTICED**

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**LEAD ATTORNEY**  
**PRO HAC VICE**  
**ATTORNEY TO BE NOTICED**

**Plaintiff**

**Gregory McNeill**

represented by **Clifford A Cantor**  
(See above for address)  
**ATTORNEY TO BE NOTICED**

V.

**Defendant**

**OpenMarket Inc**  
*a Michigan corporation*

represented by **Charles Platt**  
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& DORR (NY)

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*PRO HAC VICE*  
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*LEAD ATTORNEY*  
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**Jeffrey M Thomas**  
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*ATTORNEY TO BE NOTICED*

**Defendant**

**Sprint Spectrum LP**  
*a Delaware limited partnership*

represented by **Amanda J Beane**  
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**ATTORNEY TO BE NOTICED****Frederic R Klein**

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**LEAD ATTORNEY**

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**Sarah J Crooks**

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**LEAD ATTORNEY**

**ATTORNEY TO BE NOTICED**

**Defendant**

**Nextel West Corporation**

*a Delaware corporation*

represented by **Amanda J Beane**

(See above for address)

**LEAD ATTORNEY**

**ATTORNEY TO BE NOTICED**

**Frederic R Klein**

(See above for address)

**LEAD ATTORNEY**

**PRO HAC VICE**

**ATTORNEY TO BE NOTICED**

**Sarah J Crooks**

(See above for address)

**LEAD ATTORNEY**

**ATTORNEY TO BE NOTICED**

**Cross Claimant**

**Sprint Spectrum LP**

*a Delaware limited partnership*

represented by **Amanda J Beane**

(See above for address)

**LEAD ATTORNEY**

**ATTORNEY TO BE NOTICED**

**Sarah J Crooks**

(See above for address)

**LEAD ATTORNEY**

**ATTORNEY TO BE NOTICED****Cross Claimant**

**Nextel West Corporation**  
*a Delaware corporation*

represented by **Amanda J Beane**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Sarah J Crooks**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

V.

**Cross Defendant**

**OpenMarket Inc**  
*a Michigan corporation*

represented by **Sanket J Bulsara**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Jeffrey M Thomas**  
(See above for address)  
**ATTORNEY TO BE NOTICED**

**Mark A Wilner**  
(See above for address)  
**ATTORNEY TO BE NOTICED**

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**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Sarah J Crooks**  
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V.

**Cross Defendant**

**Sprint Spectrum LP**  
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represented by **Amanda J Beane**  
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**ATTORNEY TO BE NOTICED**

**Sarah J Crooks**  
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**Cross Defendant**

**Nextel West Corporation**  
*a Delaware corporation*

represented by **Amanda J Beane**  
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**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

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**Jeffrey M Thomas**  
 (See above for address)  
**ATTORNEY TO BE NOTICED**

**Mark A Wilner**  
 (See above for address)  
**ATTORNEY TO BE NOTICED**


V.
















**Cross Defendant**














**Sprint Spectrum LP**  
*a Delaware limited partnership*













represented by **Amanda J Beane**  
 (See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**














**Sarah J Crooks**  
 (See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**













Date Filed	#	Docket Text
12/01/2008	 <a href="#">1</a>	NOTICE OF REMOVAL from King County Superior Court, case number 08-2-32201-7SEA; (Receipt # SEA22239), filed by Sprint Spectrum LP, Nextel West Corporation. (Attachments: # <a href="#">1</a> Civil Cover Sheet)(MKB) (Entered:











		12/02/2008)
12/01/2008	 <a href="#">2</a>	VERIFICATION OF STATE COURT RECORDS by Defendants Sprint Spectrum LP, Nextel West Corporation. (MKB) (Entered: 12/02/2008)
12/01/2008	 <a href="#">3</a>	CORPORATE DISCLOSURE STATEMENT pursuant to FRCP 7.1 filed by Defendants Sprint Spectrum LP, Nextel West Corporation.(MKB) (Entered: 12/02/2008)
12/01/2008	 <a href="#">5</a>	NOTICE TO PLAINTIFF OF REMOVAL filed by Defendants Sprint Spectrum LP, Nextel West Corporation. (MKB) (Entered: 12/02/2008)
12/02/2008	 <a href="#">4</a>	CERTIFICATE OF SERVICE by Defendant Sprint Spectrum LP re <a href="#">3</a> Corporate Disclosure Statement, <a href="#">2</a> Verification of State Court Records, <a href="#">1</a> Notice of Removal. (Beane, Amanda) (Entered: 12/02/2008)
12/02/2008	 <a href="#">6</a>	LETTER from Clerk to counsel re receipt of case from King County Superior Court and advising of WAWD case number and judge assignment. (MKB) (Entered: 12/02/2008)
12/02/2008	 <a href="#">7</a>	STIPULATION AND PROPOSED ORDER <i>RE: RESPONSE TO COMPLAINT BY DEFENDANTS SPRINT SPECTRUM L.P. AND NEXTEL WEST CORP.</i> by parties. (Beane, Amanda) (Entered: 12/02/2008)
12/08/2008	 <a href="#">8</a>	STIPULATION AND PROPOSED ORDER <i>RE: RESPONSE TO COMPLAINT (AMENDED)</i> by parties. (Beane, Amanda) (Entered: 12/08/2008)
12/09/2008	 <a href="#">9</a>	NOTICE of Appearance by attorney Jeffrey M Thomas on behalf of Defendant OpenMarket Inc. (Thomas, Jeffrey) (Entered: 12/09/2008)
12/09/2008	 <a href="#">11</a>	AMENDED STIPULATION AND ORDER re response to complaint by Judge Robert S. Lasnik. (RS) (Entered: 12/10/2008)
12/10/2008	 <a href="#">10</a>	STIPULATION AND PROPOSED ORDER <i>Extending OpenMarket, Inc.'s Time to Respond to the First Amended Complaint</i> by parties. (Thomas, Jeffrey) (Entered: 12/10/2008)
12/12/2008	 <a href="#">12</a>	STIPULATION AND ORDER extending Open Market Inc's time to respond to the first amended complaint to 1/16/09 by Judge Robert S. Lasnik. (RS) (Entered: 12/15/2008)
12/31/2008	 <a href="#">13</a>	MOTION to Remand by Plaintiff Wilma Armer. (Attachments: # <a href="#">1</a> Ex. A -- Slip op., # <a href="#">2</a> Ex. B -- Slip op., # <a href="#">3</a> Ex. C -- Slip op., # <a href="#">4</a> Proposed Order) Noting Date 2/20/2009, (Cantor, Clifford) (Entered: 12/31/2008)
01/06/2009	 <a href="#">14</a>	STIPULATION AND PROPOSED ORDER <i>Re Extending Time for Defendants to Respond to Complaint</i> by parties. (Beane, Amanda) (Entered: 01/06/2009)
01/08/2009	 <a href="#">15</a>	ORDER REGARDING INITIAL DISCLOSURES, JOINT STATUS REPORT AND EARLY SETTLEMENT Joint Status Report due by 2/19/2009, by Judge Robert S. Lasnik. (KERR) (Entered: 01/08/2009)
01/09/2009	 <a href="#">16</a>	STIPULATION AND ORDER re <a href="#">14</a> Stipulation filed by Sprint Spectrum LP. The dfts shall have until ten days after the Court issues an order on Ptf's motion to remand, to respond to Ptf's complaint, by Judge Robert S. Lasnik. (VP) (Entered: 01/09/2009)














01/16/2009	 <a href="#">17</a>	APPLICATION OF ATTORNEY Michael J. Aschenbrener FOR LEAVE TO APPEAR PRO HAC VICE for Plaintiff Wilma Armer (Fee Paid) Receipt No. 09810000000001645751. (Attachments: # <a href="#">1</a> ECF Registration Form)(Cantor, Clifford) (Entered: 01/16/2009)
01/16/2009	 <a href="#">18</a>	ORDER re <a href="#">17</a> Application for Leave to Appear Pro Hac Vice. The Court ADMITS atty Michael J Aschenbrener for pltf Wilma Armer, by Bruce Rifkin. (No document associated with this docket entry, text only.)(VP) (Entered: 01/16/2009)
02/06/2009	 <a href="#">19</a>	STIPULATION AND PROPOSED ORDER <i>STIPULATED PROTECTIVE ORDER OF CONFIDENTIALITY</i> by parties. (Beane, Amanda) (Entered: 02/06/2009)
02/09/2009	 <a href="#">20</a>	Letter from Judge Lasnik re <a href="#">19</a> Stipulation for Protective Order; Court declines to sign proposed order (RS) (Entered: 02/10/2009)
02/11/2009	 <a href="#">21</a>	WITHDRAWAL of Motion re <a href="#">13</a> MOTION to Remand ; by Plaintiff Wilma Armer. (Cantor, Clifford) (Entered: 02/11/2009)
02/19/2009	 <a href="#">22</a>	JOINT STATUS REPORT signed by all parties. (Beane, Amanda) (Entered: 02/19/2009)
02/19/2009	 <a href="#">23</a>	STIPULATION AND PROPOSED ORDER <i>Re Extending Time for Defendants to Respond to Amended Complaint</i> by parties. (Beane, Amanda) (Entered: 02/19/2009)
02/24/2009	 <a href="#">24</a>	MINUTE ORDER SETTING TRIAL DATE AND RELATED DATES; Length of Trial: 1-3 weeks. Jury Trial is set for 5/3/2010 at 9:00 AM in Courtroom 15106 before Judge Robert S. Lasnik. Joinder of Parties due by 3/24/2009, Motion for Class Certification due by 7/18/2009, Amended Pleadings due by 11/4/2009, Expert Witness Disclosure/Reports under FRCP 26(a)(2) due by 11/4/2009, Discovery completed by 1/3/2010, Dispositive motions due by 2/2/2010, Settlement conference to be held by 3/4/2010, 39.1 mediation to be completed by 4/3/2010, Motions in Limine due by 4/5/2010, Pretrial Order due by 4/21/2010, Trial briefs to be submitted by 4/28/2010, Proposed voir dire/jury instructions due by 4/28/2010 (KERR) (Entered: 02/24/2009)
02/25/2009	 <a href="#">25</a>	APPLICATION <i>for Leave to Appear Pro Hac Vice</i> , receipt No. 00000000001669284 by Defendant OpenMarket Inc. (Attachments: # <a href="#">1</a> ECF Registration)(Thomas, Jeffrey) (Entered: 02/25/2009)
02/27/2009	 <a href="#">26</a>	ORDER re <a href="#">25</a> Application for Leave to Appear Pro Hac Vice. The Court admits atty Sanket J. Bulsara for dft Openmarket Inc, by Bruce Rifkin. (No document associated with this docket entry, text only.)(VP) (Entered: 02/27/2009)
03/06/2009	 <a href="#">27</a>	PROPOSED ORDER (Unsigned) re <a href="#">19</a> Stipulation <i>Amended Protective Order of Confidentiality</i> . (Attachments: # <a href="#">1</a> Exhibit A - Pages 19-38)(Beane, Amanda) (Entered: 03/06/2009)
03/10/2009	 <a href="#">28</a>	AMENDED STIPULATED PROTECTIVE ORDER OF CONFIDENTIALITY, by Judge Robert S. Lasnik. (VP) (Entered: 03/13/2009)
03/23/2009	 <a href="#">29</a>	ANSWER to Complaint of <i>Defendants Sprint Spectrum L.P. and Nextel West Corp.</i> with JURY DEMAND, CROSSCLAIM against defendant OpenMarket Inc













		by Sprint Spectrum LP, Nextel West Corporation.(Beane, Amanda) (Entered: 03/23/2009)
03/23/2009	 <a href="#">30</a>	MOTION to Dismiss <i>Complaint</i> by Defendant OpenMarket Inc, Cross Defendant OpenMarket Inc. (Attachments: # <a href="#">1</a> Exhibit Exhibit A, # <a href="#">2</a> Proposed Order Proposed Order Dismissing Plaintiff's Complaint) Noting Date 4/17/2009, (Thomas, Jeffrey) (Entered: 03/23/2009)
04/09/2009	 <a href="#">31</a>	MOTION for Extension of Time <i>to File Response to Cross-Claim</i> by Defendant OpenMarket Inc, Cross Defendant OpenMarket Inc. (Attachments: # <a href="#">1</a> Proposed Order) Noting Date 4/17/2009, (Thomas, Jeffrey) (Entered: 04/09/2009)
04/09/2009	 <a href="#">32</a>	NOTICE that the following is RE-NOTED: <a href="#">31</a> MOTION for Extension of Time <i>to File Response to Cross-Claim</i> . Filed by Defendant OpenMarket Inc, Cross Defendant OpenMarket Inc. Noting Date 4/20/2009, (Attachments: # <a href="#">1</a> Proposed Order)(Thomas, Jeffrey) (Entered: 04/09/2009)
04/13/2009	 <a href="#">33</a>	RESPONSE, by Plaintiff Wilma Armer, to <a href="#">30</a> MOTION to Dismiss <i>Complaint</i> . (Attachments: # <a href="#">1</a> Exhibit A - WayBack Machine, # <a href="#">2</a> Exhibit B - Sprint's Actual Website Terms and Conditions, # <a href="#">3</a> Exhibit C - Declaration of S. Lezell, # <a href="#">4</a> Exhibit D - Lowden v. T-Mobile Complaint, # <a href="#">5</a> Proposed Order)(Cantor, Clifford) (Entered: 04/13/2009)
04/15/2009	 <a href="#">34</a>	RESPONSE, by Defendants Sprint Spectrum LP, Nextel West Corporation, to <a href="#">31</a> MOTION for Extension of Time <i>to File Response to Cross-Claim</i> . (Beane, Amanda) (Entered: 04/15/2009)
04/15/2009	 <a href="#">35</a>	NOTICE that the following is RE-NOTED: <a href="#">30</a> MOTION to Dismiss <i>Complaint</i> . Filed by Defendant OpenMarket Inc, Cross Defendant OpenMarket Inc. Noting Date 5/1/2009, (Attachments: # <a href="#">1</a> Exhibit A, # <a href="#">2</a> Proposed Order)(Thomas, Jeffrey) (Entered: 04/15/2009)
04/29/2009	 <a href="#">36</a>	ORDER denying OpenMarket's <a href="#">31</a> motion for an extension of time. OpenMarket shall respond to the cross-claims as soon as possible and no later than noon on May 5, 2009, by Judge Robert S. Lasnik.(VP) (Entered: 04/29/2009)
05/01/2009	 <a href="#">37</a>	REPLY, filed by Defendant OpenMarket Inc, Cross Defendant OpenMarket Inc, TO RESPONSE to <a href="#">30</a> MOTION to Dismiss <i>Complaint</i> (Thomas, Jeffrey) (Entered: 05/01/2009)
05/05/2009	 <a href="#">38</a>	<i>Cross-Defendant OpenMarket Inc.'s</i> ANSWER to <a href="#">29</a> Answer to Complaint, Crossclaim of Sprint Spectrum and Nextel West and Cross-Claim Against Sprint Spectrum and Nextel West by OpenMarket Inc.(Thomas, Jeffrey) (Entered: 05/05/2009)
05/26/2009	 <a href="#">39</a>	STIPULATION AND PROPOSED ORDER <i>EXTENDING TIME WITH RESPECT TO CROSS-CLAIM OF OPENMARKET, INC.</i> by parties re <a href="#">38</a> Answer to Crossclaim. (Crooks, Sarah) (Entered: 05/26/2009)
05/26/2009	 <a href="#">40</a>	MOTION to Amend <a href="#">30</a> MOTION to Dismiss <i>Complaint</i> ,by Plaintiff Wilma Armer. (Attachments: # <a href="#">1</a> second amended complaint, # <a href="#">2</a> Proposed Order) Noting Date 6/12/2009, (Cantor, Clifford) (Entered: 05/26/2009)
05/28/2009	 <a href="#">41</a>	STIPULATION AND ORDER extending time with respect to cross-claim of Openmarket Inc by Judge Robert S. Lasnik. (RS) (Entered: 05/28/2009)



06/08/2009	 <a href="#">42</a>	APPLICATION OF ATTORNEY Charles C. Platt FOR LEAVE TO APPEAR PRO HAC VICE for Defendant OpenMarket Inc, Cross Defendant OpenMarket Inc (Fee Paid) Receipt No. 09810000000001771015. (Attachments: # <a href="#">1</a> Errata Attorney Registration Form for ECF)(Thomas, Jeffrey) (Entered: 06/08/2009)
06/08/2009	 <a href="#">43</a>	ORDER re <a href="#">42</a> Application for Leave to Appear Pro Hac Vice. The Court ADMITS Attorney Charles Platt for OpenMarket Inc, by Bruce Rifkin. (No document associated with this docket entry, text only.)(DS) (Entered: 06/08/2009)
06/09/2009	 <a href="#">44</a>	MOTION to Dismiss <i>Cross-Claim of OPENMARKET, Inc. Pursuant to Rule 12(b)(6)</i> by Defendant Sprint Spectrum LP. Noting Date 7/17/2009, (Beane, Amanda) (Entered: 06/09/2009)
06/15/2009	 <a href="#">45</a>	ORDER granting <a href="#">40</a> Motion to Amend Complaint by Judge Robert S. Lasnik.(RS) (Entered: 06/16/2009)
06/19/2009	 <a href="#">46</a>	Second AMENDED COMPLAINT against defendant(s) all plaintiffs, filed by Gregory McNeill, Wilma Armer.(Cantor, Clifford) (Entered: 06/19/2009)
06/22/2009	 <a href="#">47</a>	ANSWER to <a href="#">46</a> Amended Complaint ( <i>Second</i> ) with JURY DEMAND, Amended CROSSCLAIM against defendant OpenMarket Inc by Sprint Spectrum LP, Nextel West Corporation.(Beane, Amanda) (Entered: 06/22/2009)
07/06/2009	 <a href="#">48</a>	MOTION to Dismiss <i>the Second Amended Class Action Complaint</i> by Cross Defendants OpenMarket Inc, OpenMarket Inc, Defendant OpenMarket Inc. Oral Argument Requested. (Attachments: # <a href="#">1</a> Exhibit Exhibit A, # <a href="#">2</a> Proposed Order) Noting Date 7/31/2009, (Thomas, Jeffrey) (Entered: 07/06/2009)
07/13/2009	 <a href="#">49</a>	<i>Cross-Defendant Openmarket Inc.'s</i> ANSWER to <a href="#">47</a> Answer to Amended Complaint, Crossclaim, Amended CROSSCLAIM against defendant Sprint Spectrum LP(a Delaware limited partnership), Nextel West Corporation(a Delaware corporation) by OpenMarket Inc(a Michigan corporation).(Thomas, Jeffrey) (Entered: 07/13/2009)
07/16/2009	 <a href="#">50</a>	<b>Attached pleading is a Proposed Order; Motion filed as <a href="#">52</a> Praecipe:</b> MOTION for Summary Judgment <i>on Count I of Amended Cross-Claim Against OpenMarket, Inc.</i> by Cross Claimant Sprint Spectrum LP. (Attachments: # <a href="#">1</a> Proposed Order) Noting Date 8/7/2009, (Beane, Amanda) Modified on 7/30/2009 (ELS). (Entered: 07/16/2009)
07/16/2009	 <a href="#">51</a>	DECLARATION of Frederic R. Klein filed by Cross Claimant Sprint Spectrum LP re <a href="#">50</a> MOTION for Summary Judgment <i>on Count I of Amended Cross-Claim Against OpenMarket, Inc.</i> (Beane, Amanda) (Entered: 07/16/2009)
07/16/2009	 <a href="#">52</a>	PRAECIPE by Cross Claimants Sprint Spectrum LP, Nextel West Corporation. (Attachments: # <a href="#">1</a> Motion for Summary Judgment, # <a href="#">2</a> Proposed Order)(Beane, Amanda) (Entered: 07/16/2009)
07/23/2009	 <a href="#">53</a>	MOTION to Dismiss <i>Amended Cross-Claim of OpenMarket, Inc. Pursuant to Rule 12(b)(6)</i> by Cross Claimants Sprint Spectrum LP, Nextel West Corporation. (Attachments: # <a href="#">1</a> Proposed Order) Noting Date 8/14/2009, (Beane, Amanda) (Entered: 07/23/2009)
07/27/2009	 <a href="#">54</a>	RESPONSE, by Plaintiff Wilma Armer, to <a href="#">48</a> MOTION to Dismiss <i>the Second Amended Class Action Complaint</i> . (Attachments: # <a href="#">1</a> Proposed Order)(Cantor,

		Clifford) (Entered: 07/27/2009)
07/27/2009	 <a href="#">55</a>	ORDER denying dft OpenMarket Inc's <a href="#">30</a> Motion to Dismiss by Judge Robert S. Lasnik.(RS) (Entered: 07/28/2009)
07/29/2009	 <a href="#">56</a>	STIPULATION AND PROPOSED ORDER <i>TO SEAL DOCUMENTS PURSUANT TO CR 5(g)(2)</i> by parties. (Beane, Amanda) (Entered: 07/29/2009)
07/30/2009	 <a href="#">57</a>	STIPULATION AND ORDER TO SEAL DOCUMENTS PURSUANT TO CR 5(g)(2) by Judge Robert S. Lasnik. (KERR) (Entered: 07/30/2009)
07/30/2009	 <a href="#">58</a>	<b>SEALED DOCUMENT</b> by Cross Claimants Sprint Spectrum LP, Nextel West Corporation re <a href="#">57</a> Stipulation and Order. (Beane, Amanda) (Entered: 07/30/2009)
08/03/2009	 <a href="#">59</a>	RESPONSE, by Cross Defendants OpenMarket Inc, OpenMarket Inc, Cross Claimant OpenMarket Inc, Defendant OpenMarket Inc, to <a href="#">50</a> MOTION for Summary Judgment <i>on Count I of Amended Cross-Claim Against OpenMarket, Inc.</i> . Oral Argument Requested. (Attachments: # <a href="#">1</a> Proposed Order)(Thomas, Jeffrey) (Entered: 08/03/2009)
08/03/2009	 <a href="#">60</a>	DECLARATION of Charles C. Platt filed by Cross Defendants OpenMarket Inc, OpenMarket Inc, Cross Claimant OpenMarket Inc, Defendant OpenMarket Inc re <a href="#">50</a> MOTION for Summary Judgment <i>on Count I of Amended Cross-Claim Against OpenMarket, Inc.</i> (Attachments: # <a href="#">1</a> Exhibit Exhibits A through D)(Thomas, Jeffrey) (Entered: 08/03/2009)
08/07/2009	 <a href="#">61</a>	REPLY, filed by Cross Claimant Sprint Spectrum LP, TO RESPONSE to <a href="#">50</a> MOTION for Summary Judgment <i>on Count I of Amended Cross-Claim Against OpenMarket, Inc.</i> (Crooks, Sarah) (Entered: 08/07/2009)
08/07/2009	 <a href="#">62</a>	DECLARATION of <del>Richard</del> Frederic R. Klein in Support of Reply in Support of Motion for Summary Judgment by Sprint Spectrum L.P. and Nextel West Corp. on Count I of Cross-Claim Against OpenMarket, Inc. filed by Cross Claimant Sprint Spectrum LP re <a href="#">50</a> MOTION for Summary Judgment <i>on Count I of Amended Cross-Claim Against OpenMarket, Inc.</i> (Crooks, Sarah) Modified on 8/7/2009 (ELS). (Entered: 08/07/2009)
08/07/2009	 <a href="#">62</a>	NOTICE of Docket Text Modification re <a href="#">62</a> Declaration, : amended text to correct the name of the declarant. (ELS) (Entered: 08/07/2009)
08/10/2009	 <a href="#">63</a>	PRAECIPE re <a href="#">59</a> Response to Motion, <i>for Summary Judgment on Count I of Amended Cross-Claim Against OpenMarket, Inc.</i> by Cross Defendants OpenMarket Inc, OpenMarket Inc, Cross Claimant OpenMarket Inc, Defendant OpenMarket Inc. (Attachments: # <a href="#">1</a> Exhibit Ex. A--p. 17 and 18 to Doc. 59)(Thomas, Jeffrey) (Entered: 08/10/2009)
08/11/2009	 <a href="#">64</a>	ANSWER to <a href="#">46</a> Amended Complaint ( <i>Second</i> ), Amended CROSSCLAIM <i>against Nextel West Corp. and against defendant Sprint Spectrum LP</i> by OpenMarket Inc(a Michigan corporation).(Thomas, Jeffrey) (Entered: 08/11/2009)
08/14/2009	 <a href="#">65</a>	REPLY, filed by Cross Defendants Sprint Spectrum LP, Nextel West Corporation, Defendants Sprint Spectrum LP, Nextel West Corporation, Cross Claimants Sprint Spectrum LP, Nextel West Corporation, TO RESPONSE to <a href="#">53</a> MOTION to Dismiss <i>Amended Cross-Claim of OpenMarket, Inc. Pursuant to Rule 12(b)(6)</i> (Crooks, Sarah) (Entered: 08/14/2009)

08/21/2009	 <a href="#">66</a>	STIPULATION AND PROPOSED ORDER <i>Regarding Re-Noting and Briefing Schedule Regarding Sprint and Nextel's Motion to Dismiss OpenMarket's Amended Cross-Claim</i> by parties re <a href="#">53</a> MOTION to Dismiss <i>Amended Cross-Claim of OpenMarket, Inc. Pursuant to Rule 12(b)(6)</i> . (Thomas, Jeffrey) (Entered: 08/21/2009)
08/24/2009	 <a href="#">67</a>	RESPONSIVE BRIEF <i>Opposition to Cross-Motion of OpenMarket for Summary Judgment</i> re <a href="#">59</a> Response to Motion, by Cross Claimants Sprint Spectrum LP, Nextel West Corporation.. (Beane, Amanda) (Entered: 08/24/2009)
08/28/2009	 <a href="#">68</a>	REPLY, filed by Cross Defendants OpenMarket Inc, OpenMarket Inc, Cross Claimants OpenMarket Inc, OpenMarket Inc, Defendant OpenMarket Inc, TO RESPONSE to <a href="#">50</a> MOTION for Summary Judgment <i>on Count I of Amended Cross-Claim Against OpenMarket, Inc.</i> (Thomas, Jeffrey) (Entered: 08/28/2009)
08/31/2009	 <a href="#">69</a>	RESPONSE, by Cross Defendants OpenMarket Inc, OpenMarket Inc, Cross Claimants OpenMarket Inc, OpenMarket Inc, Defendant OpenMarket Inc, to <a href="#">53</a> MOTION to Dismiss <i>Amended Cross-Claim of OpenMarket, Inc. Pursuant to Rule 12(b)(6)</i> . Oral Argument Requested. (Thomas, Jeffrey) (Entered: 08/31/2009)
08/31/2009	 <a href="#">70</a>	STIPULATION AND ORDER RE-NOTING <a href="#">53</a> MOTION to Dismiss <i>Amended Cross-Claim of OpenMarket, Inc. Pursuant to Rule 12(b)(6)</i> ;Clerk noted for 10/2/2009. Opposition due 8/31/09, reply due 9/28/09 by Judge Robert S. Lasnik. (RS) (Entered: 09/01/2009)
09/17/2009	 <a href="#">71</a>	APPLICATION OF ATTORNEY Frederic R. Klein FOR LEAVE TO APPEAR PRO HAC VICE for Defendants Sprint Spectrum LP, Nextel West Corporation (Fee Paid) Receipt No. 09810000000001856535. (Attachments: # <a href="#">1</a> Attorney Registration Form for ECF)(Beane, Amanda) (Entered: 09/17/2009)
09/17/2009	 <a href="#">72</a>	ORDER re <a href="#">71</a> Application for Leave to Appear Pro Hac Vice. The Court ADMITS Attorney Frederic R Klein for Sprint Spectrum LP and Nextel West Corporation, by Bruce Rifkin. (No document associated with this docket entry, text only.)(DS) (Entered: 09/17/2009)
09/17/2009	 <a href="#">73</a>	MINUTE ORDER Setting Hearing on <a href="#">52</a> MOTION for Summary Judgment <i>on Count I of Amended Cross-Claim Against OpenMarket, Inc.</i> , <a href="#">53</a> MOTION to Dismiss <i>Amended Cross-Claim of OpenMarket, Inc.: Motion Hearing set for 10/1/2009 at 9:00 AM in Courtroom 15106 before Judge Robert S. Lasnik. (KERR)</i> (Entered: 09/17/2009)
09/24/2009	 <a href="#">74</a>	REPLY, filed by Cross Claimants Nextel West Corporation, Sprint Spectrum LP, TO RESPONSE to <a href="#">53</a> MOTION to Dismiss <i>Amended Cross-Claim of OpenMarket, Inc. Pursuant to Rule 12(b)(6)</i> (Beane, Amanda) (Entered: 09/24/2009)
10/01/2009	 <a href="#">75</a>	MINUTE ENTRY for proceedings held before Judge Robert S. Lasnik- Dep Clerk: <i>Kerry Simonds</i> ; Pla Counsel: <i>Cliff Cantor</i> ; Def Counsel: <i>Frederic Klein, Amanda Beane, Charles Platt, Jeff Thomas and Sauket Bulsara</i> ; CR: <i>Barry Fanning</i> ; Time of Hearing: <i>9:00 a.m.</i> ; Courtroom: <i>15106</i> ; <b>Motion Hearing</b> held on 10/1/2009 re <a href="#">50</a> MOTION for Summary Judgment <i>on Count I of Amended Cross-Claim Against OpenMarket, Inc.</i> filed by Sprint Spectrum LP and <a href="#">53</a> MOTION to Dismiss <i>Amended Cross-Claim of OpenMarket, Inc. Pursuant to</i>

		<i>Rule 12(b)(6)</i> filed by Sprint Spectrum LP, Nextel West Corporation. After hearing the arguments of counsel the Court takes this matter under advisement. (KERR) (Entered: 10/01/2009)
10/05/2009	 <a href="#">76</a>	ORDER granting in part and denying in part Sprint's <a href="#">52</a> Motion for Summary Judgment re Duty to Defend; OpenMarket's cross-motion <a href="#">59</a> is denied by Judge Robert S. Lasnik.(RS) (Entered: 10/05/2009)
10/05/2009	 <a href="#">77</a>	ORDER granting Sprint's <a href="#">53</a> Motion to Dismiss OpenMarket's amended cross-claim by Judge Robert S. Lasnik.(RS) (Entered: 10/05/2009)
10/05/2009	 <a href="#">78</a>	ORDER denying dft OpenMarket's <a href="#">48</a> Second Motion to Dismiss by Judge Robert S. Lasnik.(RS) (Entered: 10/05/2009)
10/22/2009	 <a href="#">79</a>	MOTION to Enforce <i>the Court's Order of October 5, 2009</i> by Defendants Sprint Spectrum LP, Nextel West Corporation, Cross Claimants Sprint Spectrum LP, Nextel West Corporation. (Attachments: # <a href="#">1</a> Proposed Order) Noting Date 11/6/2009, (Beane, Amanda) (Entered: 10/22/2009)
10/22/2009	 <a href="#">80</a>	DECLARATION of Frederic R. Klein filed by Defendants Sprint Spectrum LP, Nextel West Corporation, Cross Claimants Sprint Spectrum LP, Nextel West Corporation re <a href="#">79</a> MOTION to Enforce <i>the Court's Order of October 5, 2009</i> (Beane, Amanda) (Entered: 10/22/2009)
10/28/2009	 <a href="#">81</a>	ORDER TO SHOW CAUSE by Judge Robert S. Lasnik. Show Cause Response due by 11/3/2009, (KL) (Entered: 10/29/2009)
10/30/2009	 <a href="#">82</a>	ORDER - This matter comes before the Court sua sponte re <a href="#">81</a> Order to Show Cause is hereby VACATED, by Judge Robert S. Lasnik. (MD) (Entered: 10/30/2009)
11/02/2009	 <a href="#">83</a>	RESPONSE, by Defendant OpenMarket Inc, to <a href="#">79</a> MOTION to Enforce <i>the Court's Order of October 5, 2009</i> . (Attachments: # <a href="#">1</a> Proposed Order)(Thomas, Jeffrey) (Entered: 11/02/2009)
11/06/2009	 <a href="#">84</a>	REPLY, filed by Defendants Sprint Spectrum LP, Nextel West Corporation, Cross Claimants Sprint Spectrum LP, Nextel West Corporation, TO RESPONSE to <a href="#">79</a> MOTION to Enforce <i>the Court's Order of October 5, 2009</i> (Beane, Amanda) (Entered: 11/06/2009)
11/06/2009	 <a href="#">85</a>	DECLARATION of Frederic R. Klein filed by Defendants Sprint Spectrum LP, Nextel West Corporation, Cross Claimants Sprint Spectrum LP, Nextel West Corporation re <a href="#">79</a> MOTION to Enforce <i>the Court's Order of October 5, 2009</i> (Beane, Amanda) (Entered: 11/06/2009)
12/01/2009	 <a href="#">85</a>	It is hereby ordered that in all cases pending before Judge Lasnik, motions in limine must be filed by the deadline set forth in the Minute Order Setting Trial and Related Dates and noted on the motion calendar no earlier than the second Friday thereafter. Responses are due on or before the Wednesday before the noting date. Parties may file and serve reply memoranda, not to exceed nine pages in length, on or before the noting date. (KERR) (Entered: 12/01/2009)
12/31/2009	  <a href="#">86</a>	MOTION for Attorney Fees <i>and Costs Reimbursement</i> by Cross Claimants Nextel West Corporation, Sprint Spectrum LP. (Attachments: # <a href="#">1</a> Proposed Order Granting Sprint's Motion for Reimbursement of Attorneys' Fees and Costs) Noting

		Date 1/15/2010, (Beane, Amanda) (Entered: 12/31/2009)
12/31/2009	 <a href="#">87</a>	DECLARATION of Frederic R. Klein filed by Cross Claimants Sprint Spectrum LP, Nextel West Corporation re <a href="#">86</a> MOTION for Attorney Fees <i>and Costs Reimbursement</i> (Attachments: # <a href="#">1</a> Exhibit A, # <a href="#">2</a> Exhibit B, # <a href="#">3</a> Exhibit C, # <a href="#">4</a> Exhibit D)(Beane, Amanda) (Entered: 12/31/2009)
01/04/2010	 <a href="#">88</a>	ORDER by Judge Robert S. Lasnik. Sprint's motion to enforce, docket # <a href="#">79</a> is GRANTED. OpenMarket must retain a separate and independent firm to represent Sprint in this matter. (KL) (Entered: 01/04/2010)
01/08/2010	 <a href="#">89</a>	<b>PLEASE DISREGARD. WRONG DOCUMENT ATTACHED; COUNSEL WILL REFILE CORRECT STIPULATION.</b> --STIPULATION AND PROPOSED ORDER <i>Extending Time With Respect to Sprint's Motion</i> by parties re <a href="#">86</a> MOTION for Attorney Fees <i>and Costs Reimbursement</i> . (Thomas, Jeffrey) Modified on 1/8/2010 (ELS). (Entered: 01/08/2010)
01/08/2010	 <a href="#">90</a>	NOTICE of Docket Text Modification re <a href="#">89</a> Stipulation, : amended text to reflect that the wrong document was attached and that counsel will refile the correct Stipulation. (ELS) (Entered: 01/08/2010)
01/08/2010	 <a href="#">90</a>	STIPULATION AND PROPOSED ORDER <i>Extending Time With Respect to Sprint's Motion for Reimbursement of Attorneys' Fees and Costs</i> by parties. (Thomas, Jeffrey) (Entered: 01/08/2010)
01/19/2010	 <a href="#">91</a>	STIPULATION AND ORDER Extending time with respect to Sprint's Motion for reimbursement of Attorney Fees and costs, by Judge Robert S. Lasnik. (KL) (Entered: 01/19/2010)
01/19/2010	 <a href="#">92</a>	RESPONSE, by Cross Defendants OpenMarket Inc, OpenMarket Inc, Cross Claimants OpenMarket Inc, OpenMarket Inc, Defendant OpenMarket Inc, to <a href="#">86</a> MOTION for Attorney Fees <i>and Costs Reimbursement</i> . (Attachments: # <a href="#">1</a> Proposed Order Denying Sprint's Motion for Reimbursement of Attorneys' Fees and Costs, # <a href="#">2</a> Declaration of Charles C. Platt in Support)(Thomas, Jeffrey) (Entered: 01/19/2010)
01/27/2010	 <a href="#">93</a>	STIPULATION AND PROPOSED ORDER <i>to stay proceedings pending settlement negotiations</i> by parties. (Attachments: # <a href="#">1</a> Proposed Order)(Cantor, Clifford) (Entered: 01/27/2010)
01/28/2010	 <a href="#">94</a>	RESPONSE by Defendant Sprint Spectrum LP <i>TO PLAINTIFFS' AND OPENMARKETS STIPULATED REQUEST TO STAY PROCEEDINGS PENDING SETTLEMENT NEGOTIATIONS</i> . (Beane, Amanda) (Entered: 01/28/2010)
01/28/2010	 <a href="#">95</a>	ORDER GRANTING STIPULATED REQUEST TO STAY PROCEEDINGS PENDING SETTLEMENT NEGOTIATIONS through 3/29/10 by Judge Robert S. Lasnik. (RS) (Entered: 01/28/2010)
01/29/2010	 <a href="#">96</a>	RESPONSE, by Defendant Sprint Spectrum LP, to <a href="#">86</a> MOTION for Attorney Fees <i>and Costs Reimbursement</i> . (Beane, Amanda) (Entered: 01/29/2010)
01/29/2010	 <a href="#">97</a>	DECLARATION of Frederic R. Klein filed by Defendant Sprint Spectrum LP re <a href="#">86</a> MOTION for Attorney Fees <i>and Costs Reimbursement</i> (Beane, Amanda) (Entered: 01/29/2010)

01/29/2010	 <a href="#">98</a>	DECLARATION of Brian D. Pedati filed by Defendant Sprint Spectrum LP re <a href="#">86</a> MOTION for Attorney Fees <i>and Costs Reimbursement</i> (Beane, Amanda) (Entered: 01/29/2010)
02/02/2010	 <a href="#">99</a>	NOTICE OF APPEAL as to <a href="#">88</a> Order on Motion to Enforce by Cross Defendants OpenMarket Inc, OpenMarket Inc, Cross Claimants OpenMarket Inc, OpenMarket Inc, Defendant OpenMarket Inc. Filing Fee \$455, Receipt number 09810000000001968341. (Thomas, Jeffrey) (Entered: 02/02/2010)